

SPECIAL SESSION

JOURNAL OF THE SENATE

Wednesday, February 3, 1971

The Senate was called to order by the President at 9:00 a.m.
A quorum present—47:

Mr. President	Daniel	Johnson (29th)	Reuter
Arnold	Deeb	Johnson (34th)	Saunders
Barron	de la Parte	Karl	Sayer
Barrow	Ducker	Knopke	Scarborough
Beaufort	Fincher	Lane	Stolzenburg
Bell	Gong	Lewis (33rd)	Trask
Bishop	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Brannen	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Horne	Poston	

Excused: Senator Plante because of the illness of his wife.

Prayer by Senator Bell:

Let us bow our heads. Dear Lord, look after us in our deliberations in these difficult times. Lend us wisdom to do what is best for our constituents. Please be kind to us in our deliberations. Amen.

The Journal of February 2 was corrected and approved.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SJR 9-B with 4 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SCR 18-B reports same has been enrolled, signed by the required Constitutional officers and filed in the office of the Secretary of State on February 2, 1971.

ELMER O. FRIDAY
Secretary of the Senate

Your Enrolling Clerk to whom was referred SB 22-B reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on February 2, 1971.

ELMER O. FRIDAY
Secretary of the Senate

THIRD READING

SB 10-B—A bill to be entitled An act providing for a special election to be held for the approval or rejection by the electors of Florida of House Joint Resolution No. 7-B relating to an amendment to Section 5 of Article VII of the State Constitution; providing for an effective date.

On motion by Senator Trask, was read the third time by title.

On motion by Senator de la Parte, further consideration of SB 10-B was temporarily deferred.

SECOND READING

SJR 24-B—A joint resolution proposing an amendment to Section 5 of Article VII of the Constitution of the State of Florida, limiting the prohibition against estate, inheritance and income taxes to natural persons only, and providing an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 5 of Article VII of the State Constitution is hereby agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1972, or, if authorized by three-fourths of the membership of each house of the Legislature, at an earlier special election; Section 5 of Article VII shall be amended to read as follows:

Section 5. Estate, inheritance and income taxes.—No tax upon estates or inheritances or upon the income of *natural persons, other than persons engaged in gainful occupations, businesses or professions who are required to pay an annual occupational state, county or municipal license and who are residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States or any state. This section shall become effective immediately upon approval by the electors of Florida.*

On motion by Senator Scarborough, was read the second time by title. On motion by Senator Scarborough, by two-thirds vote, SJR 24-B was read the third time in full. The Secretary called the roll and SJR 24-B failed to pass. The vote was:

Yeas—4

Deeb	Fincher	Sayer	Scarborough
------	---------	-------	-------------

Nays—38

Barron	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Stolzenburg
Beaufort	Gong	Lewis (33rd)	Trask
Bell	Graham	Lewis (43rd)	Ware
Boyd	Gunter	McClain	Weber
Brannen	Haverfield	Myers	Weissenborn
Brantley	Henderson	Ott	Williams
Broxson	Hollahan	Pope	Wilson
Childers	Johnson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

The Senate resumed consideration of—

SB 10-B—A bill to be entitled An act providing for a special election to be held for the approval or rejection by the electors of Florida of House Joint Resolution No. 7-B relating to an amendment to Section 5 of Article VII of the State Constitution; providing for an effective date.

—pending roll call.

Senators Brantley, Arnold and Beaufort offered the following amendment which was adopted by two-thirds vote on motion by Senator Brantley:

In Section 1, line 12, page 1, strike "fourth day of May, 1971" and insert the following: eleventh day of May, 1971

Senator Weissenborn presiding.

The President presiding.

On motion by Senator de la Parte, SB 10-B as amended was read by title, passed with the required Constitutional three-fourths vote of the membership and ordered engrossed. The vote was:

Yeas—36

Mr. President	Broxson	Hollahan	Reuter
Arnold	Childers	Johnson (34th)	Saunders
Barron	Daniel	Knopke	Sayler
Barrow	de la Parte	Lewis (33rd)	Scarborough
Beaufort	Fincher	Lewis (43rd)	Trask
Bishop	Gong	McClain	Ware
Boyd	Graham	Myers	Weissenborn
Brannen	Gunter	Pope	Williams
Brantley	Haverfield	Poston	Wilson

Nays—9

Bell	Henderson	Ott	Weber
Deeb	Johnson (29th)	Stolzenburg	
Ducker	Lane		

By unanimous consent Senators Horne and Karl were recorded as voting yea.

EXPLANATION OF VOTE

The Governor feels he has an election mandate to propose the corporate profits tax constitutional amendment, and I am perfectly willing to allow the people the right to vote on this issue. Obviously, if the Legislature puts the question on the ballot, it will be debated extensively, and I am confident the voters will ultimately make a just decision. This is a basic constitutional issue that the people should properly decide. For these reasons, I voted for SB 10-B.

Bill Gunter
18th District

The President announced the appointment of Senator Weber as a member of the conference committee on HB 4-B as an alternate for Senator Plante.

On motion by Senator Hollahan, the Senate recessed at 11:30 a.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—32:

Mr. President	Childers	Johnson (34th)	Reuter
Arnold	Ducker	Karl	Saunders
Beaufort	Fincher	Knopke	Scarborough
Bell	Gong	Lane	Stolzenburg
Bishop	Haverfield	Lewis (33rd)	Trask
Boyd	Henderson	Lewis (43rd)	Ware
Brannen	Hollahan	McClain	Weber
Brantley	Johnson (29th)	Poston	Wilson

On motion by Senator Hollahan, the Senate recessed at 2:04 p.m.

The Senate was called to order by the President at 3:00 p.m. A quorum present.

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

February 3, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 5-B, SB 6-B.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

February 3, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed SB 23-B.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above messages, were ordered enrolled.

On motion by Senator Hollahan, the Senate recessed at 3:15 p.m.

The Senate was called to order by the President at 3:45 p.m. A quorum present.

By direction of the President, the Secretary read the following:

AMENDMENT TO PROCLAMATION

WHEREAS, Article VII, Section 9(b), along with various sections of Florida Statutes, heretofore provided for limitations on ad valorem tax levies by counties, school districts and municipalities, and

WHEREAS, the United States District Court for the Southern District of Florida, did on January 25, 1971, declare Article VII, Section 9(b), to be repugnant to the United States Constitution, and

WHEREAS, this provision and other sections of the Constitution and laws of the State of Florida having to do with tax levy limitation should be considered by the Legislature for re-enactment or amendment as a part of the Constitution and law of Florida in a form not repugnant to the Constitution of the United States, and

WHEREAS, the Legislature of Florida has repeatedly expressed its intent to require counties to assess at one hundred percent valuation, and

WHEREAS, the Legislature of Florida has authorized ratio studies so county assessment practices can be measured against the actual full value of the taxable property, and

WHEREAS, the Legislature of Florida has ordered a series of changes designed to increase the required local effort of school districts in an attempt to redistribute school funds among the counties to begin equalizing the amounts available in each county for each child, and

WHEREAS, the combination of these changes has resulted in drastic changes in the financing of school districts in the middle of the current school year, and

WHEREAS, these changes have created chaotic fiscal conditions in some school districts while giving others more money

than was included in their approved operational plan for the 1970-71 fiscal year, and

WHEREAS, the effects of these changes would be much less severe if the increases and decreases were delayed until the 1971-72 fiscal year to allow the local districts time to incorporate these changes into a reasonable plan for the financing of educational programs, and

WHEREAS, revisions in the law are necessary to implement the delay and to carry out the Legislature's expressed intent of providing tax equalization and full assessment without creating a financial crisis, and

WHEREAS, school districts and the state should not be penalized for poor assessment practices in any county, and

WHEREAS, school children should not be made innocent pawns in this struggle for uniform tax assessment, and

WHEREAS, additional time is necessary for consideration of matters currently pending before the Legislature and such matters as are set forth in this Proclamation;

NOW, THEREFORE, I, Reubin O'D. Askew, Governor of the State of Florida, by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida, do hereby extend the special session of the Legislature through Thursday, February 4, 1971, and do hereby amend all previous Proclamations relating to my call of January 27, 1971, to include, solely and exclusively, in addition to matters in my original call and all amendments thereto consideration by the Legislature of the following matters:

1. Amending Sections 9 and 12 of Article VII of the Constitution of Florida dealing with millage and the submission thereof to the electors at a special election.
2. Amending Section 236.32, Florida Statutes, dealing with the qualifications of electors in millage elections;
3. Amending Chapter 70-94, Laws of Florida;
4. Amending Section 236.02(8), Florida Statutes, to direct district school boards to levy a minimum tax and providing a ceiling for school taxes for operating purposes for the 1971-72 fiscal year and each year thereafter;
5. Repealing Section 236.07(5)(b), Florida Statutes, effective July 1, 1971; repealing Section 236.07(5)(c), Florida Statutes, effective June 30, 1972; and repealing Section 236.251, Florida Statutes, as amended by Chapter 70-94, Laws of Florida.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 3 day of February, 1971.

REUBIN O'D. ASKEW
Governor



ATTEST:

RICHARD (DICK) STONE
Secretary of State

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

INTRODUCTION

By Senators Broxson, Thomas and Boyd—

SJR 25-B—A joint resolution proposing an amendment to section 9 of Article VII of the State Constitution to remove the provision which requires that certain ad valorem tax levies be subject to the approval of only those electors who are the owners of freeholds not wholly exempt from taxation.

Was read the first time by title and referred to the Committee on Public Schools.

By Senators Broxson, Thomas, Boyd, Sayler and Ware—

SB 26-B—A bill to be entitled An act relating to education; amending section 2 of chapter 70-94, Laws of Florida, by adding a new paragraph (c) to section 236.07(5), Florida Statutes, providing a procedure for the disbursement of funds to school districts for 1970-71 and 1971-72 fiscal years; amending section 4 of chapter 70-94, Laws of Florida, by adding a new provision in section 236.07(9)(a), Florida Statutes, relating to the required local effort of the school districts for participation in the minimum foundation program; amending section 236.02(8), Florida Statutes, directing district school boards to levy a minimum tax and providing a ceiling for school taxes for operating purposes, for the 1971-72 fiscal year and each year thereafter; repealing section 236.07(5)(b), Florida Statutes, effective July 1, 1971, and section 236.07(5)(c), Florida Statutes, effective June 30, 1972; and repealing section 236.251, Florida Statutes, as amended by chapter 70-94, Laws of Florida; and providing an effective date.

Was read the first time by title and referred to the Committee on Public Schools.

On motion by Senator Hollahan, the rules were waived and waiver of notice, pursuant to Rule 2.5, was granted the Committee on Public Schools and other committees holding hearings on measures presented at this special session.

CO-INTRODUCERS

By permission, Senator Fincher was recorded as a co-introducer of SJR 24-B.

On motion by Senator Hollahan, the Senate adjourned at 4:04 p.m. to reconvene at 9:00 a.m., February 4, 1971.